IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 30037 of 2007(A)

PETITIONER:

B.SURESH, KOOVAPARAMBIL HOUSE,
CHANNANIKKAD P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.G.SHRIKUMAR
SRI.SREEJITH S.NAIR

RESPONDENTS:

1. THE ASSESSING OFFICER,
(CESS ASSESSING OFFICER),
DISTRICT LABOUR OFFICE,
KOTTAYAM.

2. THE SECRETARY,
BUILDING AND OTHER CONSTRUCTION WORKERS
WELFARE BOARD, POOJAPURA P.O.,
THIRUVANANTHAPURAM.

3. THE DISTRICT LABOUR OFFICER,
KOTTAYAM.

BY G.P. SHRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.30037 of 2007

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Dated this the 10th day of October, 2007

J U D G M E N T

The petitioner challenged the order of assessment under the Building and Other Construction Workers' Welfare Cess Act, 1996, before the appellate authority. The same is not being considered on the ground that the petitioner has not paid the cess assessed, which is a condition precedent for entertaining the appeal. The petitioner has been so informed by Ext.P5 order. The petitioner submits that the petitioner is prepared to pay the cess assessed and on such payment, the 3rd respondent may be directed to consider Ext.P4 appeal in accordance with law.

2. I have heard the learned Government Pleader also.

3. Since the petitioner is willing to pay the cess, I feel that the petitioner can be given another opportunity to cure the defect of non-payment of the cess assessed as required under the appeal provision. Accordingly, I dispose of this writ petition with

the following directions:

The petitioner shall pay the cess assessed within two weeks. The third respondent shall thereupon consider the appeal filed by the petitioner on merits and dispose of the same in accordance with law.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

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P.A. to Judge.